

109TH CONGRESS  
1ST SESSION

# H. R. 2679

To amend the Revised Statutes of the United States to eliminate the chilling effect on the constitutionally protected expression of religion by State and local officials that results from the threat that potential litigants may seek damages and attorney's fees.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 26, 2005

Mr. HOSTETTLER (for himself, Mr. WAMP, Mr. NORWOOD, Mr. JENKINS, Mr. PAUL, Mr. DOOLITTLE, Mr. SODREL, Mr. WELDON of Florida, Mr. ALEXANDER, Mr. BACHUS, Mr. PITTS, Mr. INGLIS of South Carolina, Mr. OTTER, Mr. DUNCAN, Mr. JONES of North Carolina, Mr. KINGSTON, Mr. SMITH of Texas, Mr. BARTLETT of Maryland, Mr. POE, and Mr. BARRETT of South Carolina) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend the Revised Statutes of the United States to eliminate the chilling effect on the constitutionally protected expression of religion by State and local officials that results from the threat that potential litigants may seek damages and attorney's fees.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Public Expression of  
5       Religion Act of 2005”.

1 **SEC. 2. LIMITATIONS ON CERTAIN LAWSUITS AGAINST**  
2 **STATE AND LOCAL OFFICIALS.**

3 (a) CIVIL ACTION FOR DEPRIVATION OF RIGHTS.—  
4 Section 1979 of the Revised Statutes of the United States  
5 (42 U.S.C. 1983) is amended—

6 (1) by inserting “(a)” before the first sentence;

7 and

8 (2) by adding at the end the following:

9 “(b) The remedies with respect to a claim under this  
10 section where the deprivation consists of a violation of a  
11 prohibition in the Constitution against the establishment  
12 of religion shall be limited to injunctive relief.”.

13 (b) ATTORNEYS FEES.—Section 722(b) of the Re-  
14 vised Statutes of the United States (42 U.S.C. 1988(b))  
15 is amended by adding at the end the following: “However,  
16 no fees shall be awarded under this subsection with re-  
17 spect to a claim described in subsection (b) of section nine-  
18 teen hundred and seventy nine.”.

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